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# **TOWARDS A RIGHT TO DISCONNECT IN INDIA: LESSONS FROM THE EU AND USA.**

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## **1. Abstract:**

The digital revolution has profoundly reshaped the dynamics between employers and employees. With smartphones, laptops, and cloud platforms enabling constant connectivity, professional obligations now spill over into personal life, erasing the once-clear boundary between work and leisure. This phenomenon, often described as *digital overwork*, has become particularly acute in India. Surveys indicate that more than half of Indian employees work beyond 49 hours per week, while nearly four out of five report symptoms of burnout. The tragic death of a young Ernst & Young professional in 2025 intensified public debate, highlighting the human cost of perpetual availability and sparking calls for legal safeguards.

This dissertation explores the right to disconnect as a potential legal remedy to the challenges posed by digital overwork. It adopts a doctrinal and comparative methodology, examining primary legal instruments such as India's *Right to Disconnect Bill, 2025*, the French Labour Code, Spain's Royal Decree-Law on working time recording, Italy's legislation on smart working, the EU Working Time Directive, and the U.S. Fair Labour Standards Act. Secondary sources — including Eurofound reports, analyses by the Vidhi Centre for Legal Policy, and scholarly contributions in comparative labour law — provide additional context.

The comparative analysis reveals striking divergences. India's proposed framework, rooted in constitutional protections under Article 21, envisions a comprehensive statutory regime supported by an enforcement authority. Europe presents a mosaic of approaches: France emphasizes negotiated agreements, Spain mandates time-tracking, and Italy tailors protections to remote workers, all within the broader EU directive and traditions of social dialogue. The United States, by contrast, lacks a federal right to disconnect, relying instead on state initiatives, corporate policies, and collective bargaining within a system that prioritizes flexibility and market autonomy.

Across jurisdictions, common challenges emerge: defining working hours in a digital

environment, regulating remote and cross-border teams, ensuring compliance, balancing emergency needs, and tailoring protections to diverse categories of workers. Beyond practical hurdles, the dissertation situates the right to disconnect within constitutional and human rights discourse, arguing that India's Article 21 provides a robust foundation for recognition. Finally, the study underscores the importance of social dialogue and collective bargaining, drawing lessons from European and American experiences to inform India's evolving framework.

## INTRODUCTION-

Although the term digital overwork is relatively recent, the struggle it describes is not. For generations, workers have faced long hours and demanding conditions.

What has changed is the medium: technology now allows work to seep into every corner of life, extending far beyond the office desk or factory floor.

Digital overwork captures this reality — the expectation that employees remain available for work-related communication even outside formal hours. It manifests in emails, instant messages, phone calls, and other digital interactions. Sometimes this expectation is spelled out in contracts or reinforced by managers; other times it is embedded in workplace culture, where replying late at night is seen as normal or even necessary.

The consequences of constant connectivity are well established. It fuels stress, burnout, and mental health challenges, while disrupting family life, leisure, and rest. Research by the International Labour Organisation (2019) links excessive working hours to cardiovascular disease and other serious health risks. Similarly, the European Foundation for the Improvement of Living and Working Conditions has documented the erosion of well-being across multiple studies.

At the heart of this issue lies work-life balance the equilibrium between professional commitments and personal time. Achieving this balance has become increasingly difficult in the age of telework, remote work, and digital platforms.

While these arrangements promise flexibility, they often create pressure to be perpetually available. Eurofound's 2020 study on telework found that remote workers were more likely to log longer hours and struggle to disconnect.

The right to disconnect has emerged as a legal response to these challenges. It empowers workers to resist the expectation of round-the-clock availability.

Importantly, it does not prohibit all after-hours communication — emergencies and exceptional circumstances remain valid. Instead, it shifts the default: rather than employees needing to justify why they did not respond, employers must justify why they required contact outside

regular hours.

This study is significant because it bridges the gap between theory and practice.

Academically, it enriches debates on labour law, digital rights, and human dignity by situating the Right to Disconnect within constitutional and statutory frameworks.

Practically, it offers evidence-based insights for employers, policymakers, and labour organizations. Employers benefit from healthier, more motivated teams when boundaries are respected; policymakers gain clarity on the urgent need for legislative reform; and labour organizations are equipped with research that strengthens advocacy for humane work practices. By highlighting the inadequacy of current laws in addressing digital overwork, the study underscores the necessity of updating legal frameworks to reflect the realities of modern work culture.

Socially, the study carries weight because it addresses issues that extend beyond the workplace. When employees are denied the right to disconnect, families lose quality time, communities suffer from reduced participation, and individuals face health consequences such as anxiety, insomnia, and hypertension. The burden is often gendered, with women disproportionately affected due to overlapping professional and domestic responsibilities. By placing the Right to Disconnect within a broader human context, the study emphasizes that work should serve life, not consume it, and that protecting boundaries is essential for social cohesion and sustainable development.

Finally, the study's significance lies in its potential to inspire future research and policy innovation. By identifying gaps in existing labour laws and constitutional protections, it opens new avenues for exploring how societies can adapt to technological change without sacrificing human dignity. In this sense, the research is not only a contribution to current debates but also a catalyst for ongoing dialogue about the future of work, ensuring that legal and social systems evolve to protect workers in an increasingly digital world.

### **Research Problem:**

What challenges arise in defining working hours, enforcing compliance, and balancing flexibility with worker well-being in the digital age?

### **Research objectives:**

1. To study how countries such as France, Italy, and Spain have legally recognized the Right to Disconnect and assess the impact of these frameworks on employee well-being and work-life balance.

2. Analyze disruption of Indian laws To investigate how the absence of a Right to Disconnect in India undermines existing labour laws, including the Factories Act and Shops and Establishments Acts, in regulating working hours and rest periods.
3. Explore constitutional implications to evaluate how the “always-on” work culture disturbs constitutional guarantees under Articles 21, 23, and 42, and to frame the Right to Disconnect as a constitutional necessity.
4. Recommend labour law reforms to propose reforms in Indian labour law that integrate the Right to Disconnect, ensuring protection of employee dignity and health while balancing organizational productivity.

### **Hypothesis:**

H1: Countries such as France, Italy, and Spain that have legally recognized the Right to Disconnect show stronger employee well-being and clearer work-life boundaries compared to nations without such protections, indicating that India could benefit from adopting similar frameworks.

H2: The absence of a Right to Disconnect in India weakens the effectiveness of labour laws like the Factories Act of 1948 and the Shops and Establishments Acts, as digital overwork bypasses statutory limits on working hours and rest periods.

H3: The “always-on” work culture undermines constitutional guarantees under Articles 21, 23, and 42 by eroding human dignity, enabling implicit forms of forced labour, and denying humane working conditions, making the Right to Disconnect a constitutional necessity.

H4: Incorporating the Right to Disconnect into Indian labour law would improve employee well-being and productivity while ensuring compliance with constitutional mandates, demonstrating that reform is both socially and legally essential.

### **Significance of research**

The Right to Disconnect is significant because constant digital connectivity undermines existing labour protections in India, weakening laws like the Factories Act (1948), Shops and Establishments Acts, and constitutional guarantees under Articles 21, 23, and 42. These frameworks were designed to safeguard humane working conditions, yet the “always-on” culture erodes rest, dignity, and mental health. The importance of this study lies in showing how the absence of a legally recognized Right to Disconnect harms both individual well-being and established labour protections. In today’s digital economy, employees are often expected to remain available beyond contractual hours, blurring the line between professional and

personal life. This constant connectivity reduces rest, heightens stress, and contributes to burnout, directly undermining the spirit of laws meant to protect humane working conditions. For example, the Factories Act of 1948, which limits weekly working hours and mandates rest intervals, loses effectiveness when digital work extends beyond the workplace and bypasses formal monitoring.

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### **Research methodology**

The doctrinal method of research has been adopted for this study. To build the substantive foundation, the researcher has drawn upon a range of authoritative sources, including official websites, books, scholarly articles, Law Commission reports, newspaper coverage, Constituent Assembly debates, and judicial precedents.

These materials provide the necessary legal and contextual grounding for a comprehensive analysis.

### **Review of existing Literature:**

Modern workplaces are saturated with communication technologies that keep employees perpetually accessible. This state of **constant connection to work (CCW)** means that workers remain tethered to their professional responsibilities even beyond designated hours, unable to

fully disengage from job demands.

Research exploring CCW has uncovered its link to **sleeplessness and declining well-being**. Interestingly, studies suggest that when employees are more engaged with their work during office hours, and when they consciously detach from work during personal time, their health and resilience improve. In other words, engagement and detachment act as protective factors against the harmful effects of over-connectivity.

Earlier scholarship, such as Chesley (2006), emphasized how the rapid growth of communication technologies accelerated work processes and reshaped the nature of employment. Today, workers are surrounded by a multitude of devices and applications, all competing for their attention. While this pervasive connectivity appears to grant freedom and flexibility allowing individuals to choose when and where they work it often comes at the cost of **eroded boundaries**.

Labour law literature recognizes telework as a double-edged sword. On one hand, it offers flexibility and autonomy; on the other, it expands employer expectations, requiring workers to be available “anytime, anywhere.” As Müller (2020) notes, this undermines traditional protections, since regulations on working hours are frequently overlooked in practice.

Within the European Union, these risks have drawn significant concern. Member states have sought to mitigate the dangers of digital overwork, and the **jurisprudence of the Court of Justice of the European Union** has played a crucial role. Its interpretation of the Directive on working time organization underscores the importance of safeguarding rest periods and limiting excessive demands, even in an era of digital connectivity.

### **Technology’s role in redefining policies of the remote work concept**

The terminology associated with employment, the ‘workplace’, and ‘the work hours’, was delineated. Currently, there is a growing autonomy of work from location, with tasks being performed not only at home but also while traveling and during vacations across numerous enterprises. The office is no longer confined to physical boundaries; it exists wherever individuals possess their smartphone, pager, laptop, or smartwatch, enabling them to operate beyond conventional hours. The right to disconnect pertains to employees’ entitlement to disengage from work related contacts during non-working hours and vacations. This stems from the realization that modern forms of information and communication technology (ICT) such as smartphones, smartwatches, tablets, and laptops blur the lines between one’s work life and one’s personal life, which can have negative effects on things like privacy and autonomy, morale,

health and safety, productivity, pay, leisure time, and work-family conflicts.

These studies have become even more blurry due to the rapid growth and broad use of remote labor in the years after the COVID-19 epidemic. Technological innovations have facilitated flexible work arrangements in offices worldwide. This has profoundly altered the conception of task execution, leading to the emergence of new opportunities and challenges. The needs of future generations entering the workforce are challenging traditional limits and the status quo, placing young professionals in uncharted circumstances. The interaction between technology and employment, along with the discordance in generational perspectives, undermines the fundamental principle of work-life balance.

### **Theoretical legal framework of several countries for the right to disconnect:**

Frequent news stories reveal that individuals in numerous countries are laboring extended hours, are inextricably linked to their mobile devices, and are facing heightened stress, burnout, overwork, and escalating work-family conflict (Bharucha, 2021). Consequently, there appears to be a heightened awareness of the hazards associated with workplace technology. However, the straightforwardness of certain solutions, like the complete prohibition of after-hours emails, fails to address the intricacy of the issue. Recently, in India, an Ernst & Young employee collapsed due to prolonged working hours and associated **strain**.

**France:** France is regarded as the EU pioneer in formally acknowledging the right to disconnect. In 2013, a national cross-sectoral agreement on the workplace, which emphasized of quality of life, encouraged companies to avoid encroaching on employees' personal lives by instituting specific periods during which their electronic communication devices could be deactivated. This right was codified into law on 8 August 2016 and is currently governed by the French Labour Code. Fourteen: The new legislation, centered on the right to disconnect, mandates that companies with 50 or more employees initiate a dialogue between employers and employees (through representatives) to govern the utilization of digital tools outside of working hours, delineate employees' rights to disengage, and guarantee the enforcement of these rights (Cheng, 2020).

Moreover, the right to disconnect must be incorporated into the obligatory annual negotiating process centered on workplace quality of life and gender equality. This regulation applies only to enterprises employing 50 or more individuals. Electronic requests submitted outside of working hours are considered compensable time, akin to engaging in work-related phone conversations or reading documents during non-business hours.

**Germany:** German employers have made considerable advancements in regulating after-hours labour; nonetheless, no particular legislation has been enacted on this matter. German employers acknowledge the detrimental impact of incessant pressure on their workforce. Germany's corporate self-regulatory framework enables employees to collaborate with pertinent social partners to formulate distinct regulations that address the specific demands of each stakeholder. The inherent risk of self-regulation is that businesses may establish laws that appear to benefit employees but, in reality, do not provide them with meaningful protection. Furthermore, German employers are not obligated to participate in corporate self-regulation. The German Labour Ministry has implemented laws for after-hours communication to motivate other firms to adopt similar practices. The ministry has prohibited communication with personnel outside of working hours, save in emergencies, and established regulations preventing managers from disciplining employees who turn off their mobile devices or do not react to communications after hours.

**Italy:** Employees possess the right to disengage from technical devices and online platforms utilized for work without it resulting in any repercussions on the continuation of the job relationship or remuneration. The concept of smart working refers to a form of dependent employment that does not require specific work hours or a designated workspace, incorporating technological tools for the execution of job tasks. This regime applies not only to private employment contracts but also to public administration when applicable. The sole restrictions mandated by this legislation that must be adhered to are the maximum daily and weekly working hours, as defined by law or collective agreements.

**Spain:** Spain is the most recent nation to incorporate the right to disconnect into its local legislation, with a comprehensive array of other digital rights. The Employment and Collective Bargaining Agreement for the years 2015, 2016, and 2017 is proposed to address the impact of ICT on labor relations and to further improve the balance between work and personal life, while enhancing the competitiveness and productivity of enterprises. Collective bargaining was regarded as the most effective means to address this issue, owing to its closeness to the requirements of both employers and employees. Numerous companies have been entering into agreements over the advised issues. AXA's Spanish division is the first to implement a right to digital disconnection at the corporate level in Spain. An agreement reached in July 2017 stipulates the right to refrain from responding to emails or professional messages outside of working hours, except in cases of force majeure or extreme circumstances.

The legislation addresses digital rights regarding labor law in Articles 87 to 91. All are connected to a broad right to privacy in the workplace concerning the utilization of digital

equipment, alongside a more specific right regarding video surveillance and audio recording devices, as well as geolocation systems (Trujillo Pons; Megino Fernández, 2023). Article 88 of the law stipulates that both private and public employees are entitled to digital disconnection outside of legally or conventionally defined working hours, to ensure the preservation of their rest intervals, leave, holidays, and personal and familial privacy.

### **Relevance for India.**

India can learn several important lessons from comparative experiences with social dialogue and collective bargaining, especially in the context of advancing the Right to Disconnect. The relevance of these mechanisms depends on the structure of Indian industrial relations, the strength of unions and employer associations, and the legal framework for collective bargaining. Historically, union density in India has been low and uneven across sectors. While unions have a stronger presence in the public sector and traditional industries such as manufacturing and transportation, they are almost absent in information technology, consulting, and financial services—the very sectors where digital overwork is most pronounced. This lack of collective voice presents a major challenge for any approach that relies heavily on bargaining.

Employer associations do exist, such as the Confederation of Indian Industry (CII), the Federation of Indian Chambers of Commerce and Industry (FICCI), and ASSOCHAM, but their role is largely limited to policy advocacy rather than industry-wide bargaining. Most collective bargaining in India occurs at the enterprise level, and employer associations rarely negotiate agreements on working time.

The legal framework for collective bargaining in India is also weak. While the Constitution guarantees the right to form associations and unions, enforcement is limited, and employers often resist unionisation. The new Labour Codes, including the Industrial Relations Code of 2020, introduced changes to bargaining structures, but many observers worry that they weaken protections rather than strengthen them. Despite these challenges, social dialogue could still play a role in advancing the Right to Disconnect. In sectors where unions are present, they could negotiate provisions on after-hours communication, drawing inspiration from French unions that have successfully negotiated agreements on quiet hours and manager training. Even in sectors without unions, alternative forms of worker representation could be developed. The German model of works councils, which provide enterprise-level representation, could be adapted to the Indian context. Some multinational subsidiaries in India already experiment with similar mechanisms, showing that adaptation is possible.

Employer associations could also contribute by developing voluntary codes of conduct or

guidelines. Industry associations might bring companies together to share best practices and establish common standards, particularly in IT, where competition for talent is intense and companies may see a business case for improving work-life balance. Tripartite dialogue involving government, unions, and employer associations could further advance the debate. Forums such as the Indian Labour Conference could provide a platform for consensus-building, even if agreements are not legally binding. Informal channels of worker voice—such as surveys, town halls, and discussions—could also surface concerns about digital overwork and build pressure for change, provided workers are protected from retaliation.

Comparative experiences highlight that social dialogue and collective bargaining are most effective when supported by a strong legal framework, when unions are representative and empowered, and when a culture of dialogue exists. Europe demonstrates that negotiation can be effective when unions are strong and employer associations are cooperative. France's reliance on negotiation shows that unions can shape meaningful agreements, while

Germany's works councils illustrate how enterprise-level representation can address workplace-specific issues. The Nordic model shows that comprehensive bargaining can integrate the Right to Disconnect into broader frameworks for worker protection. In contrast, the United States highlights the limitations of weak unions and decentralised bargaining, where protections vary widely and many workers are excluded.

For India, the lesson is clear: while the conditions for strong social dialogue are not fully present, they can be developed over time. The Right to Disconnect debate itself could act as a catalyst for strengthening dialogue, bringing workers and employers together to negotiate solutions to a shared problem. The Indian Right to Disconnect Bill of 2025 recognises this by requiring companies to negotiate rules about after-hours communication, modelled partly on the French approach. Its success will depend on whether it stimulates genuine dialogue and whether workers have the collective power to make their voices heard. In this way, India can learn from comparative experiences to build a system where legislation sets the framework, but dialogue and bargaining fill in the details, ensuring that the Right to Disconnect is not only a legal entitlement but a lived reality.

This continuous narrative, written in a humanised style, spans about three pages when formatted academically. It integrates historical context, structural challenges, comparative lessons from Europe and the United States, and practical pathways for India, showing how social dialogue and collective bargaining can shape the future of the Right to Disconnect.

India's debate on the Right to Disconnect can be enriched by looking at comparative experiences across Europe and the United States, but its application must be understood within

the historical and structural realities of Indian industrial relations. Union density in India has always been relatively low compared to many European countries, and it varies significantly across sectors. Historically, unions gained strength in the public sector and traditional industries such as manufacturing, mining, and transportation, where collective bargaining was more established. However, in modern sectors such as information technology, consulting, and financial services precisely where digital overwork and constant connectivity are most pronounced union presence is minimal. This lack of collective voice presents a serious challenge for any approach that relies heavily on collective bargaining to advance the Right to Disconnect. Employer associations in India, such as the Confederation of Indian Industry (CII), the Federation of Indian Chambers of Commerce and Industry (FICCI), and ASSOCHAM, have historically played a role in policy advocacy and representing business interests at the national level. Yet, their role in industry-wide bargaining has been limited, with most collective bargaining occurring at the enterprise level. Unlike Europe, where employer associations often negotiate sectoral agreements, Indian associations rarely engage in collective negotiations on working time or after-hours communication.

The legal framework for collective bargaining in India has also been historically weak. While the Constitution guarantees the right to form associations and unions, enforcement has been inconsistent, and employers often resist unionisation efforts. Labour laws such as the Industrial Disputes Act provided some framework for collective bargaining, but implementation was patchy. The new Labour Codes, including the Industrial Relations Code of 2020, introduced reforms intended to streamline labour law, but many observers argue that they weaken worker protections by raising thresholds for union recognition and making strikes more difficult. This creates uncertainty about whether collective bargaining can be an effective tool for advancing new rights such as the Right to Disconnect. Despite these challenges, social dialogue remains a potential pathway. In sectors where unions are present, they could negotiate provisions on after-hours communication, drawing inspiration from French unions that have successfully negotiated agreements on quiet hours, delayed email delivery, and manager training. Even in sectors without strong unions, alternative forms of worker representation could be explored. The German model of works councils, which provide enterprise-level representation and have legal rights to consultation, could be adapted to India. Some multinational subsidiaries in India already experiment with similar mechanisms, showing that adaptation is possible.

Employer associations could also play a constructive role by developing voluntary codes of conduct or guidelines. Industry associations could bring companies together to share best practices and establish common standards, particularly in IT and consulting, where competition

for talent is intense and companies may see a business case for improving work-life balance. Comparative experience shows that employer associations in Europe have sometimes negotiated industry-wide agreements, and while India's associations have not traditionally played this role, they could evolve to do so. Tripartite dialogue involving government, unions, and employer associations could also be a valuable tool. Historically, the Indian Labour Conference has provided a forum for such dialogue, and it could be revitalised to address modern issues like digital overwork. Tripartite agreements, even if not legally binding, can shape expectations and provide a foundation for legislation or collective bargaining. Informal channels of worker voice—such as employee surveys, town halls, and open forums—could also surface concerns about digital overwork and build pressure for change, provided workers are protected from retaliation.

Comparative experiences highlight that social dialogue and collective bargaining are most effective when supported by a strong legal framework, when unions are representative and empowered, and when a culture of dialogue exists. Europe demonstrates that negotiation can be effective when unions are strong and employer associations are cooperative. France's reliance on negotiation shows that unions can shape meaningful agreements, while Germany's works councils illustrate how enterprise-level representation can address workplace-specific issues. The Nordic model shows that comprehensive bargaining can integrate the Right to Disconnect into broader frameworks for worker protection. In contrast, the United States highlights the limitations of weak unions and decentralised bargaining, where protections vary widely and many workers are excluded. For India, the lesson is clear: while the conditions for strong social dialogue are not fully present, they can be developed over time. The Right to Disconnect debate itself could act as a catalyst for strengthening dialogue, bringing workers and employers together to negotiate solutions to a shared problem. The Indian Right to Disconnect Bill of 2025 recognises this by requiring companies to negotiate rules about after-hours communication, modelled partly on the French approach. Its success will depend on whether it stimulates genuine dialogue and whether workers have the collective power to make their voices heard.

## **Finding**

**Findings Major Findings of the Study** This study examined the right to disconnect across three jurisdictions India, the European Union, and the United States to understand how different legal systems are addressing the challenges of digital overwork and constant connectivity. The research yielded several important findings that illuminate the nature of the problem, the range

of possible responses, and the particular challenges facing India as it considers its own legal framework. These findings are organised around the key dimensions of the comparative analysis.

### **First Major Finding: Digital Overwork in India**

The study establishes that digital overwork has become a widespread and escalating issue in India, particularly within the IT, consulting, and financial services industries. Evidence shows that more than half of Indian employees routinely exceed 49 working hours per week, placing the country among those with the longest global working hours. Around 78% of professionals report experiencing burnout. Data from the 2024 National Crime Records Bureau highlights a disturbing rise in suicides linked to career pressures and work-related stress. The tragic death of a young Ernst & Young employee, which triggered national debate, was not an isolated case but rather a reflection of systemic challenges. Existing laws, such as the Factories Act of 1948 and the Occupational Safety, Health and Working Conditions Code of 2020, fail to adequately address the realities of digital overwork, leaving employees vulnerable to after-hours demands.

### **Second Major Finding: Constitutional Basis for the Right to Disconnect**

The research confirms that Article 21 of the Indian Constitution, as interpreted by the Supreme Court, provides a strong foundation for recognizing the right to disconnect as a fundamental right. The Court's broad reading of Article 21 covering the right to health, dignity, and privacy offers multiple grounds for protection. Chronic stress and overwork directly implicate the right to health. The "always-on" work culture undermines human dignity by denying workers personal space and balance. Constant intrusion of work into private life also infringes upon the right to privacy.

Additionally, Directive Principles such as Articles 39(e) and 43 reinforce the state's duty to safeguard workers from exploitative practices and ensure humane working conditions. This constitutional grounding elevates the right to disconnect beyond a statutory privilege, making it a fundamental obligation of the state.

### **Third Major Finding: The Right to Disconnect Bill, 2025**

The proposed legislation marks a significant step in acknowledging digital overwork and offering a legal response. Its core provisions—granting employees the right to ignore after-hours communication, requiring companies to negotiate workplace rules, establishing an Employees' Welfare Authority, and imposing penalties for violations—align with global

practices. However, the bill contains notable shortcomings. The undefined scope of “urgent” communications risks undermining the principle itself. Enforcement depends heavily on employee complaints, which may be impractical given workplace hierarchies. The bill does not adequately address complexities arising from remote work, international teams, and time zone differences. Exemptions for small businesses create loopholes. The Vidhi Centre for Legal Policy’s review, while supportive, emphasizes the need for clearer definitions and stronger enforcement mechanisms.

#### **Fourth Major Finding: European Models of the Right to Disconnect**

European countries provide diverse approaches to regulating after-hours work. France mandates that companies with more than fifty employees negotiate rules on after- hours communication, reflecting a philosophy of fostering social dialogue rather than prescribing rigid outcomes. Spain requires employers to maintain records of all working hours, offering a strong enforcement mechanism by making overtime visible. Italy emphasizes protections for remote workers. At the supranational level, the European Parliament’s 2021 resolution urging a directive on the right to disconnect signals growing political momentum. Together, these models illustrate varied but effective strategies that India can draw upon when shaping its own framework.

#### **Fifth Major Finding: The American Approach**

Research confirms that the United States lacks a federal right to disconnect, with only limited and indirect protections available. The Fair Labour Standards Act’s overtime provisions encourage employers to restrict hours but apply only to non-exempt workers and focus on pay rather than autonomy. The constitutional framework offers no basis for such a right, as the U.S. Constitution does not guarantee social rights.

While collective bargaining could address the issue, union density is low and coverage limited. Some states and companies have introduced policies, but the result is a fragmented system that leaves many employees without protection. The American experience highlights the shortcomings of relying solely on market dynamics: workers with bargaining power may secure better terms, but those without remain vulnerable.

#### **Sixth Major Finding: Implementation Challenges**

Research confirms that defining working hours in a digital environment is a core difficulty. When work is detached from a physical workplace or fixed schedule, the idea of “working

hours” becomes blurred. Remote work and global teams add further complexity when colleagues span continents and clients expect responses at all times, whose hours should apply? Employers face significant compliance challenges:

monitoring without creating surveillance, training managers, handling emergencies, and tailoring policies to different roles. While Europe offers some guidance, each country must craft its own solutions.

### **Seventh Major Finding: Role of Social Dialogue and Collective Bargaining**

Research confirms that negotiation between workers and employers can help implement the right to disconnect, but its success depends on union strength, employer associations, and the legal framework for bargaining. France shows that negotiation can yield tailored solutions, but only where unions are strong. Germany demonstrates that works councils can address issues at the enterprise level. Nordic countries show that comprehensive collective bargaining can integrate the right to disconnect into wider frameworks. In India, however, union density is low in the sectors most affected by digital overwork, and the legal framework for bargaining is weak. This limits the immediate potential of social dialogue to advance the right to disconnect.

### **Eighth Major Finding: Constitutional and Human Rights Dimensions**

Research confirms that international human rights law strengthens the case for the right to disconnect. The International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantees fair working conditions, including reasonable limits on working hours under Article 7. ILO conventions set standards for working time relevant to digital overwork. The European Charter of Fundamental Rights and the European Parliament’s resolution further recognize the right to disconnect as a human right. For India, these international standards provide both guidance and inspiration, situating the right to disconnect within a broader global debate about the future of work.